

FORM PTO-1390 (REV 2-2005) OMB-0651-0021		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY DOCKET NO. 12007-0067
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		DATE: October 20, 2006	
		U.S. APPLN. NO. (IF KNOWN, SEE 37 C.F.R. 1.5) 10/568,430	
INTERNATIONAL APPLICATION NO. PCT/DE2004/001806	INTERNATIONAL FILING DATE AUGUST 12, 2004	PRIORITY DATE CLAIMED AUGUST 14, 2003	
TITLE OF INVENTION: TISSUE OR ORGAN MANIPULATION DEVICE			
APPLICANT(S) FOR DO/EO/US: Heinz RUPP, Bernhard MAISCH, Ekkehard SCHÜLER, and Michael KOCH			
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:			
<p>1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. (THE BASIC FILING FEE IS ATTACHED)</p> <p>2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This express request to begin national examination procedures [35 U.S.C. 371(f)] at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed [35 U.S.C. 371(c)(2)] a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> has been transmitted by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed [35 U.S.C. 371(c)(2)]. a. <input checked="" type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)] a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> have been transmitted by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)].</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)].</p>			
Items 11-20 below concern other document(s) or information included:			
<p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information: COPY OF NOTIFICATION OF MISSING REQUIREMENTS</p>			

U.S. APPLN. NO. (IF KNOWN,
SEE 37 C.F.R. 1.50)
10/568,430

INTERNATIONAL APPLICATION NO.
PCT/DE2004/001806

ATTORNEY DOCKET NO. 12007-0067

DATE: October 20, 2006

<input checked="" type="checkbox"/> The following fees are submitted:			
<input type="checkbox"/> 21.) Basic National Fee		\$300	
<input type="checkbox"/> 22.) Examination Fee - If International Preliminary Examination Report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)		\$100	
All other situations		\$200	
<input type="checkbox"/> 23.) Search Fee - If Search Fee (37 CFR 1.445(a)(2) has been paid in the International Application to the USPTO as an International Searching Authority		\$100	
International Search Report prepared and provided to the Office.		\$400	
All other situations		\$500	
TOTAL OF 21, 22 and 23 =			
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing on computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.			
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE
12-100	0/50=		x \$250
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date [37 C.F.R. 1.492(h)].			
Claims	Number Filed	Number Extra	Rate
Total Claims	15 - 20 =	0	X \$50.00
Independent Claims	1 - 3 =	0	X \$200.00
Multiple dependent claim(s) (if applicable)		+ \$360.00	
TOTAL OF ABOVE CALCULATIONS =			
Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½			
SUBTOTAL =			
Processing fee of \$130.00 for furnishing the English translation later the 30 months from the earliest claimed priority date [37 C.F.R. 1.492(f)].			
TOTAL NATIONAL FEE =			
Fee for recording the enclosed assignment [37 C.F.R. 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property			
7/25/2006 GENEY1 00000122 10568430		TOTAL FEES ENCLOSED =	
11 FC:2617 65.00 DP 120.00 DP		\$ 195	
		Amount to be refunded	\$
		Charged	\$
b2aFc: <input checked="" type="checkbox"/> 18A check in the amount of \$195.00 to cover the above fees is enclosed.			
b. <input type="checkbox"/> Please charge Counsel's Deposit Account No. 50-1088 in the amount of \$ _____ to cover the above fee. A duplicate copy of this sheet is enclosed.			
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Counsel's Deposit Account No. 50-1088.			
d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive [37 C.F.R. 1.137(a) or (b)] must be filed and granted to restore the application to pending status.			
SEND ALL CORRESPONDENCE TO:			
CLARK & BRODY 1090 Vermont Avenue, N.W. Suite 250 Washington, D.C. 20005 Telephone: 202-835-1111 Fax: 202-835-1755			
Customer Number: 22902			
 CHRISTOPHER W. BRODY Registration No. 33,613 Date: October 20, 2006			



UNITED STATES PATENT AND TRADEMARK OFFICE

CLB
Page 1 of 2
12007-0067
DOCKETED
Missing Parts
Due: Oct 21, 2006
Final: Mar 21, 2007

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/568,430	Heinz Rupp	120070067
INTERNATIONAL APPLICATION NO.		
PCT/DE04/01806		
22902	I.A. FILING DATE	PRIORITY DATE
CLARK & BRODY 1090 VERMONT AVENUE, NW SUITE 250 WASHINGTON, DC 20005	08/12/2004	08/14/2003
CONFIRMATION NO. 9989		
371 FORMALITIES LETTER		
OC000000020118593		

Date Mailed: 08/21/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 02/14/2006
- Copy of the International Search Report filed on 02/14/2006
- Small Entity Statement filed on 02/14/2006
- Request for Immediate Examination filed on 02/14/2006
- U.S. Basic National Fees filed on 02/14/2006
- Priority Documents filed on 02/14/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Processing fee of \$130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$195** for a Small Entity:

- **\$65** Surcharge.
- **\$130** for English translation surcharge required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/568,430	PCT/DE04/01806	120070067

FORM PCT/DO/EO/905 (371 Formalities Notice)